

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
JOHN ANTHONY MILLER,
Defendant.

Case No. 2:23-cr-00221-JAD-DJA

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. Defense counsel has been meeting with Mr. Miller and consulting with potential experts.

3 The defendant is incarcerated

4. The parties agree to the continuance.

5. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively complete investigation of the discovery materials that have been and will be provided.

6. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United

1 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
2 Section 3161(h)(7)(B)(i), (iv).

3

4 **CONCLUSIONS OF LAW**

5 The ends of justice served by granting said continuance outweigh the best interest of the
6 public and the defendant in a speedy trial, since the failure to grant said continuance would be
7 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
8 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
9 account the exercise of due diligence.

10 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
11 United States Code, Section § 3161 (h)(7)(A), when considering the factors under Title 18,
12 United States Code, § 3161(h)(7)(B)(i), (iv).

13 **ORDER**

14 IT IS THEREFORE ORDERED that the parties herein shall have to and including May
15 28, 2024 to file any and all pretrial motions and notice of defense.

16 IT IS FURTHER ORDERED that the parties shall have to and including June 11, 2024
17 to file any and all responses.

18 IT IS FURTHER ORDERED that the parties shall have to and including June 18, 2024
19 to file any and all replies.

20 IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed
21 jury instructions, and a list of the Government's prospective witnesses must be electronically
22 submitted to the Court by the 12th day of August, 2024.

23 ///

24 ///

25 ///

1 IT IS FURTHER ORDERED that the calendar call currently scheduled for June
2 17, 2024, at the hour of 1:30 p.m., be vacated and continued to August 12th at the hour of 1:30
3 p.m.; and the trial currently scheduled for July 2, 2024, at the hour of 9:00 a.m., be vacated
4 and continued to August 27th at the hour of 9:00 a.m.

5 DATED this 6th day of May 2024.

6 
7 UNITED STATES DISTRICT JUDGE

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26